App F IX 4

Previous References 1943 44 ( ) File No. 42-43

Serial Nos 62, 63, 64 & 65

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos June

Part B for Feb 1944

SUBJECT

Objection petition contesting the validity of the election of the Hon'ble Gopalaswami Iyengar as Pdt of the Boiz Mnl Cl

Al 64. To the Dy Comm, Palni

The Mnl Comm, Boiz

MO L 8766-7 D

Directs that a fresh election be held for the office of the President

KMB

4596

File No Mlc . . . of 1943-44

Appeal Petition dated the 25th Jany 44 from Messrs KM Nagama L.S Raju & CV Narasimha Rao Municipal Councillors of the Bcity. contesting the Validity of the election of Mr M A. Gopalaswami Iyengar as the Pdt of the Bcity mlc

(6) The main file relating to the election of Mr M A Gopalaswami Iyengar as the Pdt of the Bcity mlc has been submitted to the Minister for S&PH on 21-1-1944, with D.No 4550

Submitted with a draft for appln.

MAS
25/1

Law Dept 25/1/44

(7) For perusal

Mr L.S.G

Law
25-1-44
25/1/44

Secy Law Dept 703 Govt of Mysore

Office of the Minister for L.S.G & P.H Date 25-1-44 No 4835

25 1 44

Law
26-1-44

(8) Some alterations to be made in the draft

To the mlc Commr, Bcity thro Pdt
No L7685 dy 26-1-44
Calls for a detailed report

4550 ∫ 4596

C

L

The meeting for electing a Pdt & a Vice Pdt was held on 19-1-44. Before the expiry of 7 days as required by the rules, an objection petition contesting the Validity of the election has been filed and a report has been called for from the Dnl Commr.

(9) S. asks for orders whether a motion approving the election may be put up or await the disposal of the appeal petition awaited

Ulsp 27/1

(10) The period of seven days is over but an objection petition has been filed. Its disposal may perhaps be awaited. before the election could be approved

Law Secy 29/1/44

(11) Must be awaited

Ulsp 27-1-44 for 29/1/44

Letter No nil dated the 29-1-1944 from the Dnl Commr. Bclr forwarding a report in the matter as called for

(7) The report furnished by the Dnl Commr is submitted for perusal

A copy of the Petition & the calendar of events sent to the Dnl Commr have not been returned as requested

Mr. Kiss. Nagappa has filed an affida

Municipal Br. file for 31/1/44

Govt. Law Dept. 1944 Govt. of Mysore

Office of the Law Secretariat Received 1.2.1944 No 2287

Continuation Sheet

today and is submitted as flagged "R"

(8) The opinion of the Law section may be obtained on the several points referred to in the appeal petition & with reference to the remarks of the Municipal commissioner

(9) Files for order of the Tahsildar may also be called for as required (Flag R)

Law Secy for
31/1/44

(10) The opinion of the Law Section may be obtained now

(11) It may be done, but may be got on the 28th date

for Secretary

Under Sec to G
31/1/44
for
Sec to G
1/2/44
for
1-2-44

(12)

For favour of perusal
Asst Secy (Law section) 1/2/44

(13) The Sec to G Branch is requested to kindly send us a copy of the election Rules for reference

Sec to G Branch)

(14) A copy of the election Rules is sent herewith (Flag C)

Law section) for
2/2/44

OFFICE OF THE MINISTER FOR L S G & P H
Date 1.2.1944
No X 2.87

any change suggested in the rules may be suggested to be incorporated in the draft now prepared

XXX

Law 98/43
2-2-1944

c - Refers memorandum for orders with reference para 10 supra

21) The rules relating regulating the election of the President and Vice-Presidents of City Municipal Councils make no specific provision in regard to the grounds on which the validity of an election held under those rules could be questioned, nor do they specify the grounds on which an election could be set aside in the absence of such specific provisions, the general principles of law regarding the conduct of elections may be taken to be applicable to the case

22) The first two grounds on which the validity of the election is questioned are non-compliance with the provisions of rules 2 and 5(b) of the rules. Such non-compliance does not by itself vitiate the election. Even if the petitioner succeeds in proving that there was a non-compliance with the provisions of law, it is further necessary to prove that such non-compliance materially affected the result of the election. The election cannot be said to be materially affected unless the irregularities which have occurred actually turn the scale in favour of the returned candidate. It must be shown that the

WD 01809—GPB—60 000—26 1-43

but for the irregularities the returned candidate would not have secured a majority of votes It is not enough to show that the result of the election might have been affected, but it must be shown that the result of election was actually affected by non-compliance with the rules and regulations" (Vide Nanakchand Law and Practice of Elections, page 548) The No facts are mentioned in the petition tending to show that the non compliance of the rules materially affected the result of the Election in this case

23) The most important ground urged in the petition is that the vote of one of the electors, Viz, Mr Jayaramthuraju, who secured by the returned candidate was secured by the promise given to put him up as the Congress candidate for the Vice Presidentship This is a question of fact and if so proved it vitiates the election. Such a promise amounts to bribery according to the general electoral law, under which any promise by the candidate or his agent or by any other person with the connivance of the candidate of any gratification to any person with the object, directly or indirectly, of inducing any elector to vote or refrain from voting at an election, is bribery (Vide the Corrupt Practices Order in Council at page 815 of Nanakchand)

24) Further it is stated that the Congress Candidates were required to show their ballot papers to the Secretary of the Congress Parliamentary Sub-Committee and that the secrecy of the ballot was thereby violated The Municipal Commissioner however states in his report that he is not aware of this This also is a question of fact to be proved by evidence

25) The allegations of bribery and the violation of the secrecy of the ballot are thus questions of fact to be investigated into Under Rules 8 of the rules, Govt may appoint a Committee consisting of the Deputy Commissioner, an officer appointed by the Govt and a non-official Councillor elected by the Municipal Council to enquire into the allegations contained in the petition, or consider the allegations themselves and pass such orders as they may think fit

26) But in this case the Deputy-Commissioner himself presided at the meeting in which the election was held, and allegations are made in the petition against him of non-compliance with the rules It may not therefore be desirable to refer the petition to a Committee of which he is a member But under the rules however as it stands he has to

25) Now rule requires the modified as 3 2 44

be as members of the Board the only other alternative which the rules allows is for the Govt itself to consider the allegations themselves and to pass such orders as they may think fit

MMR 3/2

Law Secy).

28) I agree

Asst Secy (Legislative) } ans 3-2-44

MMR 3/2

29) Necessary action will be taken to amend the rules relating to the election of Presidents & Vice Presidents of Municipalities as suggested by the Law Secretary in consultation with the Municipal Commissioner But this procedure would take time as the rules requires to be previously published as per Sec 24(4) of the Act Mbay Act of 1933. But for orders of this Court may be adopted and alone are the rules revised for future guidance after a decision is given in this case

30) It is for consideration of the alternative provided in the rule if the Govt itself Considering the allegations may be and passing such orders as they may think fit may not be taken advantage of Orders passed

Lawsec) for 4/3/44

31) Notice to the parties to the garnishee Rajan may issue asking them to appear before me on the 17th at 3 P.m

Sd

7 2 44

Ans 7 2 44

32) Sts please

33) Submit draft letter for approval

34) Notice will be issued to the petitioners & Messrs K N Rajanna, C N Narasimhachar & L S Raju vide to Mr. Jayaramiah Rajan

35) No notice will be sent to the Counsel of Mr. D Shamrao, on behalf of the petitioners

36) Sts for consideration if any notice should be sent to Mr. A Govindaswamy Iyengar

The draft notices putting case for orders

Law Reg for approval

Ans 8-2-44

37) Appearance of the three Sts

for approval

Election of President & Vice President to the Bangalore city 4819 Municipal Council

General and Revenue Secretariat — File No — of 1943 — [App F III—2

Serial No

To Messrs KM Nagamma
CV Narasingarao,
L.S Rayu
A.K Janyanatha Rayu
Mst Gopalasamy Iyengar
NO L 8167-9, 8170 & 8171 & 8-2-44
Requests him to appear before
the Minister, L.S.G.D. 4 at 3 PM
on 17-2-1944

40) The case is posted to
17-2-44

41) Journal

Dewan — 11-2-44
pm

Nil
12/2/44
pm
14-2-44
pm

Vide the parties concerned and heard the statements & arguments posted for orders tomorrow

17 2 44

DEWAN'S-OFFICE
11 FEB 1944
NO 4708

NOTE—Contn Sheet

WD 04155—GPB—55 000—93 10 41

By mistake the order has been written on the previous sheet

Form No. of 191

General and Revenue Secretariat

Serial No.

Letter No. C 1867/43-B dt 20-1-44 from the Municipal Commissioner, Bangalore requesting to notify the election of Mr A Gopalaswamy Iyengar as the Dpty Mayor of the City Council and Mr S. Ghouse Mohiyuddin as the Vice Dpty Mayor of the Council

1) Subject to permission After 7 days as prescribed in the Rules, the election will be notified if there are no objections

2) Submitted for perusal

for 21/1/44

3) Returned with

4) Vide 22/1/44

5) Vide 25/1/44

25-1-44

6) The nominations & the names proposed & seconded are written in the enclosed please Group No C [illegible] Vide 25/1/44 made to the Vice

to put up as the vice-president and
2) whether there was any irregularity
of the secrecy of the ballot.
Jim Jaramillo Reyes is the principle
man in the whole affair and he
made a detailed statement as to how
he was made to accept the office of
the place of vice-president for his
vote in the presidents election he
accepted on free will statement
he gave to the presidio. Now person
sat in the seat in the council by
nomination and the congreso party
was in anxiety to get one more
vote required for their party
candidate put them up as vice
candidate for the vice presidential
candidate as a
consideration for his vote from the
detailed statement made it is clear
to us the congreso parliamentary
committee has tried all
possible methods in their effort
to canvas his vote for their candidate,
the statements given by him &
[illegible] of the same the vice
[illegible] from the state-
[illegible] parliamentary

Serial No

Sub Committee was having stamped vote by a definite promise, he has been known over. Based on the assumption that he was the elected is there and would support him after the success in the presidential election the statements made by the parliamentary Sub Committee only goes to confirm the allegations made by Mr Jayamanthirajan in his statement to the press. There is a clear case of bribery as well as a definite promise was made to secure the required vote

7) The more important point is about the violation of the secrecy of the ballot at the request of the parties I inspected the place of election and also the place from where one of the members of the Sub Committee Mr Madhakaran is stated to have sat and witnessed the voting purpose after being marked the place of sitting is within a few feet of the big window where the

NOTE—Cont Sheet

having took place the glass in pane
is broken and one could shoot
through the glasses behind the clerk
any confidential paper for inspection,
as disclosed in the statement
this portion of the statement
cannot be disbelieved it is
possible that what he says has
actually happened the state-
ment made by Mr Gray and the Rajah
that he complained to the
personal staff of the viceroy
and then during the election
proceedings that the secrecy
of the ballot of Europeans was
not maintained is corroborated
by the memorandum the P. M. to
the Comm Bnt on account
of this formal statement of
allegation made by him
in which it was explained that
they could not take action
to spot out & enquire the number
of the 6 Sub-Committee from
the corner of the premises
he had selected for observation

Serial No

The evidence was the Jayawardhana Papers was one to make the best use of the vote for the personal advantage and lead to pay his fares, But as it naturally happens he was not selected by either party and out of utter disappointment he had, he has come out with the version which cannot be believed. He has stated how he not only had to show his voting papers but he was asked to do so by the actually Guy had to the Spot and shown the voting papers of two to three-man-handed office and other Congress Voter. It looks as if the arrangement was made by the party to look into the papers of the prospects in the group there by adopting the methods of undue influence bribery in the sense of a definite promise for a vote and by inducing the Secretary of the Gallop, the parliamentary Sub Committee

NOTE—Cont Sheet

Serial No

of the Congress party have been able to secure at least one vote and was one of the factors without which the candidate would not have secured to secure more votes

(c) It is significant also that soon after the counting of votes started the Reps set up in the meeting and began to say how the election was vitiated by the methods adopted by the party and the election was not regular But the vote was drowned by the opposition of the congress members the pandal might have been just script for expression, so that the minors could have the liberty of saying things under the circumstances I take that the election is vitiated by bribery, undue influence intimidation of the Secrecy of the ballot and was a fresh the election

Serial No

OFFICE OF THE MINISTER FOR L S G & P H
Date 18/2/44
No 5610

may be used for the proceedings' placed on early date.

Dewan) 18 2 44

DEWAN'S OFFICE
21 FEB 1944
No 4865

9) I agree

10) A & O may be drafted and after approval by the Minister may be shown to me before issue.

OFFICE OF THE MINISTER FOR L S G & P H
Date 21/2/44
No 5669

RLL
20/2/44

11) [illegible]
21 2 44

12) A draft G.O. as suggested for consideration

Lawley) for
21 2 44

13) Submitted for approval

[illegible]
21 2 44

Minister S-G
Dewan

14) [illegible]
22 2 44

OFFICE OF THE MINISTER FOR L S G & P H
Date 23 2 44
No 5714

15) RLL
24/2/44
[illegible]
24-2-44

(b) 1) Issue advice
2) Pl. prepare draft notification
approving the election
Please acknowledge receipt
the file from
Supdt

NOTE—Conf. Sheet

WD C4155—GPB—5,000—23 10 41

4550.
L

File No 42 of 1943-44 — General and Revenue Secretariat

17) Subd

Draft relating to the election of Mr. Ghouse Mohiuddin as Vice Pdt of the Bloor city mcl cl is put up.

18) Issue both above & resubmit for 24/2/44

19) The Govt order will also be placed at the disposal of the Press

Lawsey for 24/2/44

for 25/2/44

Subd in person to the Lawsey. He was pleased to say that when asked for information may be given to the Press People

To The Dy Comm. Bloor Dn — 64
The mcl Comm, Bridge
No L 8766-7 Dy 24-2-44
Directs that a fresh election be held for the office of the President

To The Comptr Dryson-Lafette — 65
No L 8774 Dy 24-2-44
Notifies the election of Mr S. Ghouse Mohiuddin as the Vice President of the Bangalore city mcl cl

To The mcl Comm. Bridge
The Comptroller
No L 8775, 8776 Dy 24-2-44
Forwards a copy of the above

~~Resubmitted after issue as directed above~~

~~Dy~~

BANGALORE CITY MUNICIPALITY

3924

No C1 C 1867/43

Encl

MUNICIPAL OFFICES

Bangalore 28th Dec 1943

FROM

P SURYANARAYANA SETTI, ESQ, B A LL B
MUNICIPAL COMMISSIONER
Bangalore City

TO

C Narayanaswamy Naidu, Esq , B A ,B L ,

SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

SIR

I have the honor to state that consequent on the re-constitution of the Municipal Council with effect from 1-1-1944 the Honorary President, Mr V K Govindarajulu, B A , B L., will hand over charge of the Office of the President to the Deputy Commissioner, Bangalore District, Bangalore, on the afternoon of the 31st December 1943 I have written to the Deputy Commissioner to take charge from Mr V K Govindarajulu on 31-12-43 It is also proposed to have the election of the President and the Vice President on the 19th January 1944 at 9 A M

OFFICE OF THE MINISTER FOR L S G & P H
Date 31.12.1943
No 42254

I have the honor to be,
Sir,
Your most obedient servant,

Municipal Commissioner

Bsk

REPORT OF TRANSFER OF CHARGE BY OFFICERS

(Vide *para 104 of the Mysore Treasury Manual*)

4184

Office of The Hon'ble President City Municipal Council, Bangalore

Dated 31st December 1943

1 Name and designation of relieved officer—

V. K. Govindarajulu Esq. B.A.B.L.
Honorary President

2 Name and designation of relieving officer—

Mohamed Ismail Sheriff Esq. B.A.
Deputy Commissioner, Bangalore.

3 Date and hour of transfer of charge—

31-12-1943 at 5 P.M.

Authority under which the transfer is made and the reason for such transfer—Under Sec 23(6) of the Municipal Act as the term of the present Council has expired

Certified that

(1) Separate statements showing the details of cash stamps opium ganja and bill forms in stock (*vide* Article 47 of the Civil Account Code Volume I) and

(2) an acknowledgment of the permanent advances in the prescribed printed form (*vide* para 221 of the Treasury Manual) has been attached to the charge report forwarded to the Comptroller to the Government of His Highness the Maharaja of Mysore

N.B.—Certificate No. 1 is required in cases of transfer of charge of Taluk Treasuries by Amildars and of District Treasuries by Deputy Commissioners

V. K. Govindarajulu
Signature of relieved officer

M. Ismail Sheriff
Signature of relieving officer

Files should be signed by relieving officer

SEOY LAW DEPT. GOVT OF MYSORE

12 The Secretary to Government, Law Department, Bangalore

3 The ~~Comptroller~~ to Government

4 The Secretary to Government General and Revenue Departments

---

Note— * Here enter the name of the immediate official superior and his designation

† Here enter the name of the Head of the Department and his designation

W D 1888—G 1 B— 00 Books—6 4 2/

BANGALORE CITY MUNICIPALITY

No C1-C 1867/43

Encl one

MUNICIPAL OFFICES

Bangalore 29th Jan. 1944

Ml 42-43-62

SECY LAW DEPT GOVT OF MYSORE

BEN & REV SECRETARIAT 4550 21 JAN 1944 L S G BRANCH

FROM

P SURYANARAYANA SETTI, ESQ, B A, LL B
MUNICIPAL COMMISSIONER
Bangalore City

To

C Narayanaswamy Naidu, Esq, B A, B L,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

SIR

'S"

In continuation of this Office letter No C1-C 1867/43 dated 29-12-1943, I have the honour to state that the elections to the Offices of the President and the Vice President took place yesterday at 4 P M, in the Council Hall of the City Municipal Offices, as per the calendar of events

For the Office of the President only two candidates were nominated, viz, Mr M A Gopalaswamy Iyengar, M A, B L, and Mr C N Narasinga Rao, B A, B L, The voting was conducted by ballot and Mr M A Gopalaswamy Iyengar secured 14 votes and Mr C N Narasinga Rao secured 13 votes and there was one invalid vote

For the Office of the Vice President, two candidates, viz, Messrs A K Jayamuthu Raju and S Ghouse Mohiyuddin were nominated and Mr S Ghouse Mohiyuddin secured 14 votes and Mr A K Jayamuthu Raju secured 3 votes and there were 11 invalid votes

I request that the approval of Government may kindly be obtained for the election of Mr M A Gopalaswamy Iyenger and Mr S Ghouse Mohiyuddin to the Offices of the President and Vice President respectively

A copy of the Proceedings of the Special Council Meeting

held yesterday for conducting the elections is enclosed for favour of information of Government

I have the honour to be,
Sir,
Your most obedient servant,

T Sundaramurthy
Municipal Commissioner

Forwarded with compliments

Absent from Headquarters
President

sm

No.1

Proceedings of the Special General Meeting of the City Municipal Council, Bangalore, held on Wednesday the 19th January 1944 at 4 P M in the Council Chamber of the City Municipal Offices, Bangalore, for conducting the elections of the President and the Vice President.

Present

Mohamed Ismail Sheriff, Esq - B.A ,
President.

Messrs.

1. M V Veerappa
2. G R. Ethirajulu Naidu, B A B L
3 N Keshavienger, B A B L.
4 W. H Hanumanthappa
5. Ramlal Thiwari
6 Gundenahalli Nanjappa
7. C Chenniah
8 Singam Rangaswmappa
9, S. Visva Murthy
10 P V Ramachandra Gupta.
11. H V, Shankarappa
12 D Venkataramanappa
13. B. N. Gupta
14 K N Ramaswamy, B A.,
15 P. Shivashankar, B A., LL B.,
16 C N. Narasinga Rao, B A , B L
17 P. R Ramiah, B Sc ,
18 L S Raju, M A . (Hons), B L ,
19 I T. Sharma
20 M A Gopalaswamy Iyengar, M A , B L ,
21 M K Narayana Iyengar, B A , B L ,
22, Mrs Dwarakabai Cadambi.
23 H C. Suryanarayana Rao
24 K M Naganna
25 K Ambrosa Ananda, B A , L T ,
26. A. K. Jayamuthu Raju
27. Misrilal Parasmul.
28 S Ghouse Mohiyuddin
29 A J Khaleel, B A , B.L ,
30 Mirza M Azizulla Beig

At the outset the rules were explained in Kannada and English for the information of the members Then, the election was conducted by ballot

For the office of the President, Messrs M A Gopalaswamy Iyengar, M A ,B L , and C.N.Narasinga Rao, B A ,B L , were nominated

The result of the voting was as follows :-

1) Mr M.A.Gopalaswamy Iyengar, M A ,B.L , secured fourteen votes

2) Mr C.N.Narasinga Rao secured thirteen votes

One vote was declared invalid

Next, the election of the Vice President was taken up.

For the Office of the Vice President, Messrs A K.Jayamuthu Raju and S.Ghouse Mohiyuddin were nominated

The result of the voting was as follows

1) Mr. S.Ghouse Mohiyuddin secured fourteen votes,

2) Mr A K Jayamuthu Raju secured three votes and eleven votes were declared invalid. In one case eighteen, no votes were recorded In one case both the names were scored out

Hence Mr M.A.Gopalaswamy Iyengar was duly declared elected for the office of the President and Mr S Ghouse Mohiyuddin for the office of the Vice President

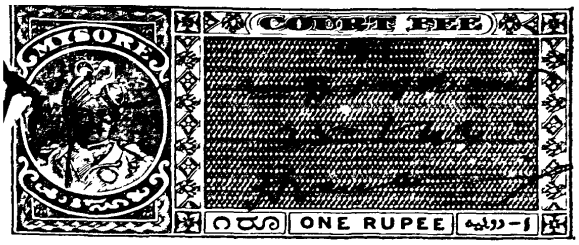
The President then congratulated Mr M.A Gopalaswamy Iyengar and Mr S Ghouse Mohiyuddin for their being elected as President and Vice President, respectively

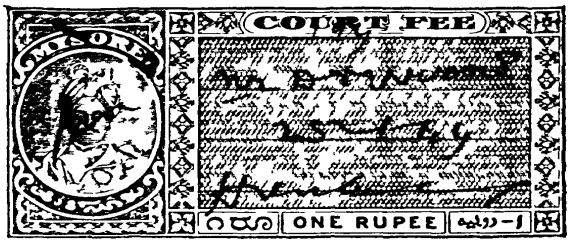
Mr H.C Suryanarayana Rao thanked the President for having so ably conducted the proceedings of the day

Then, the meeting was dissolved

Honorary President

SRB





BEFORE THE GOVERNMENT OF H THE DEWAN OF MYSORE.

Misc.-Petition No MC 42-43-63 of 43-44 4596

Petitioners

1 Sri K H Nagappa Municipal Councillor Bangalore
2 Sri D S Raja H A (Hons) BL Municipal Councillor Bangalore
3 Sri C N Narasimharao BA Municipal Councillor Bangalore

Respondent

Mr M.A. Gopalaswamy Iyengar, Advocate & Municipal Councillor, Bangalore city Municipality residing in Shankarapuram, Bangalore city.

Under Rule 7 of the Rules regulating the Election of the President of the Bangalore City Municipal Council, the above named Petitioners beg to state as follows -

1 The Petitioners and the Respondent are the Councillors of the Re-constituted Bangalore city Municipal Council with effect from 1-1-1944

2 The Petitioners submit that for the office of Presidentship two candidates had been nominated, one being the Respondent and the other being Mr C.I. Narasinga Rao, B A, B L, Advocate

3 At the Special Meeting held on 19-1-1944, it was announced that the Respondent had secured 14 votes and that Mr. C.I. Narasinga Rao 13 votes for the office of Presidentship

4 The Petitioners beg to contest the validity of the Respondent's election and submit that the same is invalid and irregular and cannot be upheld

5 (a) By notice No P 1/43-44 dated 3-1-194* copy of which is herewith attached, a special General Meeting of the City Municipal Council was notified to be held on Wednesday the 19th January 1944 for the election of the President and Vice President It had been signed by the President, and the following sentence occurs in the notice -

The nomination papers should reach the undersigned on or before 11-1-1944, 6 P M.

(Sd.) Ismail Sheriff,
President.

This last sentence is not in accordance with law (vide Rule 2 of the Rules regarding the Election of President and Vice President to the Municipal Council)

(b) At the Special Meeting held on 19-1-1944, the Rules regulating the election of President and Vice President were not read out fully.

(c) The mandatory directions contained in para 5 (b) enjoin the Presiding Officer himself to see that the name of the Councillor is properly entered in the slip by the Councillor which should be given to the Councillor by the President, that the Presiding Officer should then enter the slip in the envelope, that he should then gum it and seal it with his signature.

These directions were not observed

(d) The Presiding Officer at the end of the Meeting declared ~~that~~ the Respondent elected as President, which is not in accordance with the Rules and which is irregular and illegal He had only to submit the result of the election to the Government

6 The Petitioners submit that there are other important grounds and circumstances which entirely vitiate the election of the ~~President~~ Respondent as President and nullify the proceedings in connection therewith,-

The voting under the Rules was by secret balloting The Respondent who claims to be nominated to the office of the President by an alleged mandate of the Mysore Congress Parliamentary Sub-Committee has by his own conduct and that of his agents,- the members of the Parliamentary Sub-Committee consisting of

1 Mr K.R.Madhava Rao
2 Mr N C.Thimma Ready
3 Mr H Siddiah

and some of the congress Municipal Councillors, completely violated the secrecy of the ballot, for reasons mentioned below and otherwise

7 The Petitioners submit that the ballot box had been placed in a room adjoining the Council Hall which room had among other windows, one big window opposite to the entrance door of the room This window had glass panes to its shutters one of which was broken This window had been screened to all intents but by an easily moveable screen. There was a stone parapet wall serving as a fence to the semi-circular corridor all round the Council hall and any one sitting or standing near the window of the room above mentioned could distinctly see through the glass panes of the window

8 The Respondent's agents and his partisans aforesaid had, the Petitioners now understand, issued directions to several of the Congress Municipal Councillors, that after marking on the ballot envelope that each one of them should show the envelope from inside the ballot room and through the glass windows after moving the screen a little, to the or otherwise of the Secretary of the Congress Parliamentary Sub-Committee,

Mr K R. adhava Rao, who with one or two other Congress Leaders, had taken his station on the parapet wall of the corridor aforesaid and adjecent to the windows of the ballot room.

9 These directions, the Petitioners understand were given accompanied by threats of action if there was failure to observe the same, and also on one particular instance, Viz that of Mr A.K Jaya Muthu Raju, who had been nominated by the Congress Parliamentary sub-committee to the Vice President's place of the Council, that Congress Councillors would vote for him only in the event of his showing the ballot envelope as aforesaid and satisfying the Secretary Mr K R Madhava Rao, that he had scored out the name of Mr C N Narasinga Rao and retained that of Mr M A Gopalaswamy Iyengar.

10 The Petitioners also understand that the vote of Mr Jaya Muthu Raju for Mr M A Gopalaswamy Iyengar had been secured by a distinct promise and inducement held out to him by the Parliamentary Sub-Committee of the office of Vice Presidentship of the Municipal Council, and that the members of the said committee had further distinctly stated that if he did not so vote for the Respondent, they would withdraw their support for his candidature

11 The Petitioners understand and they came to know also the circumstances from an open statement made by Mr A K Jaya Muthu Raju, in the Council itself after the elections, in the Special Meeting and afterwards the very next day in the Press, that a number of Councillors including Mr Jaya Muthu Raju showed their ballot papers through the glass window as aforesaid, and then placed the same in the ballot box

A Statement - to the Press by Mr K R Madhava Rao made on 20 1 44 & also attached, as well as the Proceedings of the Meeting of 19 1 44 as appearing in Tamasha" &

12 The Petitioners submit that the vote of Mr. Jayn Muthu Raju secured as above, is invalid as ~~xx~~ due to illegal inducement and undue influence and is corruptly + illegally caused

13 The Petitioners submit that there has been no ~~xxxxx~~ free and secret voting and the votes of the Respondent secured in this manner, through his agents and partisans should be deemed to be due to corrupt + illegal practice, and his election to the office of the Presidentship cannot be upheld

14 For the foregoing reasons, the Petitioners pray that Government may be pleased to hold an enquiry sent for the ballot-box & scrutinize the ~~xx~~ or Voting or ballot-envelopes and consider the petition and be pleased to set aside the election of the Respondent, as President and make such further orders as they may deem fit and proper in the circumstances.

Bangalore
25/11/44

1.
2.
3.

Petitioners

Calendar of events for the election of the President and the Vice President.

1	Notice of meeting to issue on	3-1-1944
2.	Nomination papers to be received on or before	11-1-1944 6 P M
3.	Notification of the names of candidates at the City Municipal Offices, Bangalore, on	13-1-1944 . 6 P M
4	Special General Meeting of the City Municipal Council to be held for conducting the elections on	19-1-1944 at 4 P M
5.	Report of the Election to Government	19-1-1944.

President.

Bsk.

P.No 1/43 44

City Municipal Offices,
Bangalore, dated 3rd January 1944

Notice

A Special General meeting of the City Municipal Council, Bangalore, will be held on Wednesday the 19th January 1944 at 4 P in the Council Chamber of the City Municipal Offices. Bangalore, for the election of the President and the Vice President

The nomination papers should reach the undersigned on or before 11-1-1944, 6 P.M.

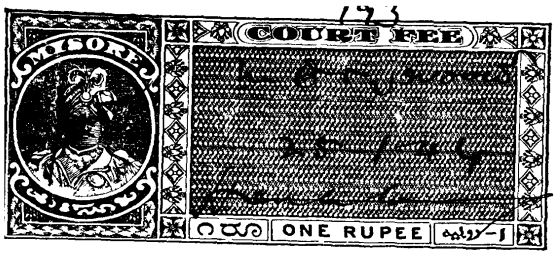
President.

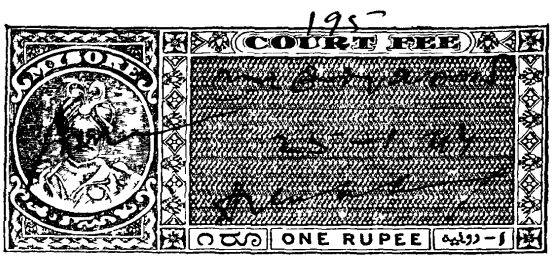
Bsk.

S V PRESS B CITY

VSM/GCT

4550
Minutes
L 59-21





Before
In the ~~Court~~ of the Court of H. H. The Maharaja of Mysore

Petn ~~Suit~~ No. of 19 ,-19

25-1-44

~~Plaintiff / Appellant~~
Petitioner & Complainant

~~Defendant~~ / Respondent
~~Counter-petitioner / Accused~~

1. K. M. Nagamma
2. M. L. S. Rayan
3. M. C. N. Narasimha Rao

Vs.

M. C. A. Chalavaraya Nayar

We The Petitioners do hereby appoint and retain Mr. D. Shamanna Rao Retd Advocate

to appear for me in the above suit / Original / Miscellaneous petition and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein I empower my Advocate to appear in all miscellaneous proceedings in the above suit or matter till all decrees or orders are fully satisfied or adjusted and to obtain the return of documents and draw any money that might be payable to me in the said suit or matter,

K. K. Nagamma
Executrix
C. N. Narasimha Rao

Accepted

D. Shamanna

ADVOCATE,
Bangalore City,

Dated, 25 1 1944

Personally known to me and signed in my presence

D. Shamanna
Advocate
25/1/44

S V PRESS B CITY

Appendix F G —1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 26/11/44

Signed by Mr G R R.

List of enclosures

Copied by

Examined by

Section

Immediate ~~File No~~

Serial No

No L 7685 Enc three

To

The Rl Comm, Bcrfs, thro P&L

Sir,

I am directed to forward herewith a copy of the appeal petition dated the 25th Jany 44 filed by Messrs K M Nagamma, L S Raju & C N Narasinga Rao, members of the Bcrfs mnl cl, contesting the Validity of the election of Mr M A Gopalaswamy Iyengar as the Odt of the Bcrfs mnl cl and to request you to be so good as to forward a detailed report in the

WD 04161—GPB—60 000—24 10 41

matter very early together with the records.

The enclosures sent herewith may be kindly returned with the report

Thanks etc

Yours

Secy to Govt

Law Dept

1118

25/1.

BANGALORE CITY MUNICIPALITY

No

Encl

MUNICIPAL OFFICES

Bangalore 29th Jany *1944*

FROM

P SURYANARAYANA SETTI, ESQ, BA LL B
MUNICIPAL COMMISSIONER
Bangalore City

4819

To

C Narayanaswami Naidu, Esq, B A, B L,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

SIR

With reference to your letter No L 7685/M1 dated 26th January 1944, forwarding a copy of the appeal petition filed by Messrs K M Naganna, L S Raju and C N Narasinga Rao, contesting the validity of the election of Mr M A Gopalaswamy Iyengar as the President of the Bangalore City Municipal Council, I have the honor to state as follows -

1) Paras 1 to 4 form the preamble to the petition

2) Para 5 a As regards the addition of a sentence re receipt of nomination papers in the notice calling for the Special meeting dated 19-1-1944 for conducting the elections, it may be stated that it was inserted as per practice, just to keep the Councillors reminded of the date and this does not vitiate the election proceedings

3) Para 5 b The rules were explained both in English and Kannada by the President, although this was not required by the rules

4) Para 5 c The voting took place in accordance with the proceedure laid down in Rule 5 (b)

5) Para 5 d The votes secured by each of the candidates were announced and the respondent was declared elected but this was subject to the approval of the Government and the proceedings of the meeting have been submitted to Government for kind approval

6) Paras 6, 7, 8, 9, 10 & 11 The facts noted in the above paras are not known to ~~the undersigned~~ me

It may be further stated that one of the Petitioners, Mr C N Narasinga Rao sent me a letter on 20-1-1944 stating that

that Mr A K Jayamuthu Raju complained to my Personal Assistant that he was asked to show his voting paper through a window and that it might be enquired into I am sending a copy of the statement of Mr. A Mariappa, B A , my Personal Assistant in the matter, for favour of information of Government

I have the honor to be,
Sir,
Your most obedient servant,

P Subramaniam Setty
Municipal Commissioner

Forwarded with compliments

14/1/44
President

SRB

Submitted to the Municipal Commissioner

The election of the President and the Vice President of the Bangalore City Municipal Council was held at 4 P M on 19-1-1944 The President and the Commissioner had instructed me to take my seat in front of the polling room and see that not more than one candidate was allowed inside the room to exercise his vote

While I was attending to this Mr A K Jayamuthu Raju came to me and complained that secrecy was not being observed during voting and immediately after this I went and saw on the other side of the room in which voting was being conducted and satisfied myself that the window had been screened by a chick and no one could see what was going inside the room and that the complaint of Mr Jayamuthu Raju was not true

Sd A Mariappa
25-1-1944

" True Copy "

Municipal Commissioner

SRB

Before The Court of H.H. The Maharaja of Mysore

Mis Petn No 63 of

Petitioner Mr. K. M. Nagamma Hebbar

Respondent Mr. M. A. Chalapathy Iyengar

31-1-44

Petitioner's Memo

Petitioner has this forenoon an affidavit by the 3rd Petitioner & prays that the Caveat in Cause may be called for

Advocate for Pets

31/1/44

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE AT BANGALORE

Mis Petn No of 43-44

Petitioners - Mr K I Naganna & others

-vs-

Respondent - Mr A Copalaswamy Iyengar,

The third petitioner begs to state on oath as follows -

1 The above petition has been filed questioning the validity of the election of the respondent as the president of the Bangalore Municipal Council for the year 1944 by the petitioners who are Municipal Councillors of the City

2 One of the grounds taken is that the vote of one Councillor one Mr Jayamuthuraju was obtained for the respondent under circumstances detailed in the petition, amounting to corrupt and illegal practice and undue influence

3 Other grounds are also taken that several votes were obtained for the respondent, by violating the secrecy of the ballot

It is quite necessary and essential in the interests of justice and elucidation of all matters that the ~~ballot~~ a ballot-can box should be sent for if not already so done, and votes scrutinized

5 It is submitted that the Government may be pleased to send for the same

Bangalore,
31-1-1944

Appendix F G —1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 8/2/44

Signed by MVSRR

List of enclosures

Codied by

Examined by

Section

File No

Serial No

No

To

Messrs.

Mr (1) K M. Nagamma
Mc councillor, Bezwada
(2) C N Narasinga Rao
B.A., B.L
M Councillor, Bezwada
(3) L S Rajan, M A (Hons)

Sir,

In connection with your petition dated 25 1 44 Contesting against the validity of the election of Mr. M. A. Gopalaswamy Iyengar, M.A., B.L, as the Pdt of the Bezwada mc cl, I am directed to request you to appear before the Minister for L.S.G & D H in his chamber in the Public office

Bangalore at 3 P.M on the
17th instant.

Share etc

From
The Secretary to Govt
Law Dept

No L 8170 Dy 812/44

A.K Jayaramu Esqr

Municipal Councillor — Bangalore

To
The Secretary
Law Dept

Sir,

In connection with the enquiry into the petition filed before Govt by Messrs K.T. Narasimha, C.N Narasimhachar, & L.S. Raja contesting the validity of the election of M.A Jayaram Iyengar M.A, B.L. as the President of the Municipality, I am directed to request you to attend before the Minister for P.W in his chambers in the Public Offices, Bangalore at 3 P.M on the 19th inst.

No L 8171 Dy 812/44

To

Messrs M.A Jayaramu Iyengar
Advocate for Councillor, Bangalore — respdt
Thankappan

The Secretary
Law Dept

Sir,

As a petition has been filed before Govt by Messrs K.T Narasimha, C.N Narasimhachar & L.S. Raja M.L Councillors, Bangalore contesting the validity of the election of you as President of the Municipality, Bangalore at the meeting held on 19.11.1944, in this connection I am to request you to attend before the Minister for P.W at his chambers, Public Offices, Bangalore at 3 P.M on the 19th instant.

Yours

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L8167-9 *Dated, Bangalore* 8th **February 1944**

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore
Law Department.

To

Sir,

In connection with your petition dated, 25th January 1944 contesting the validity of the election of Mr.M.A.Gopalaswamy Iyengar, M.A.,B.L., as the President of the Bangalore City Municipal Council, I am directed to request you to appear before the Minister for Local Self Government and Public Health in his chambers in the Public Offices, Bangalore at 3 p.m. on the 17th instant.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary to Government,
Law Department.

TVR.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 8170 *Dated, Bangalore* 8/6 February 1944.-

FROM

The Secretary to the Government of His Highnes
the Maharaja of Mysore
Law Department.

To

Mr A.K. Jayamuthuraj, Esq.,
Municipal Councillor,
Bangalore city.

Sir,

In connection with the enquiry into the petition filed before the Government by Messrs. K.M. Naganna, C N.Narasinga Rao and L.S. Raju contesting the validity of the election of Mr. M.A. Gopalaswamy Iyengar, M A., B L., as the President of the Bangalore city Municipality, I am directed to request you to appear before the Minister for Local Self Government and Public Health in his chambers in the Public Offices, Bangalore, at 3 p.m. on the 17th instant.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary to Government,
Law Department.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L 8171

General and Revenue Secretariat

Dated, Bangalore 8th **February 1944.**

FROM

The Secretary to the Government of His Highnes the Maharaja of Mysore
Law Department.

To

Mr. M.A. Gopalaswamy Iyengar, M A, B L
Advocate, Municipal Councillor,
Shankarapuram, Bangalore city.

Sir,

A petition has been filed before the Government by Messrs. K.M Nafanna, C.N. Narasinga Rao and L.S. Raju, Municipal Councillors, Bangalore city, contesting the validity of your election as President of the Bangalore city Municipal Council at the meeting held on 19th January 1944. In this connection I am to request you to appear before the Minister for Local Self Government and Public Health in his chambers, Public Offices, Bangalore at 3 p.m. on the 17th instant.

I have the honour to be,
Sir,
Your most obedient servant,

(Sd) for Secretary to Government,
Law Department.

tvr.

By Sri ... 17.2.44

BEFORE THE GOVERNMENT OF MYSORE, BANGALORE

Lis Petition No of 43 - 44

Petitioners --		Respondent --
1) L L Naganna 2) L ... Raju 3) C M Narasinga Rao	vs	M A Gopalaswamy Iyengar

Respondent's affidavit

I, L A Gopalaswamy Iyengar, the respondent herein, solemnly and sincerely affirm and state as follows --

1) I was present throughout at the meeting of the Bangalore City Municipal Council held at 4 P M on 19th January 1944 in the Council Hall for the election of the President and the Vice-President the election was conducted according to the Election Rules regulating the election of the President and Vice - President of a City Municipal Council and the Presiding Officer has fully complied with the directions contained in the said Election Rules Just before the commencement of the election, the presiding officer explained to the Council both in English and Kanarese the rules relating to the election Neither the petitioners nor any other councillors made any complaint to the presiding officer at the meeting about any irregularity or about any non-compliance with the Election Rules On the other hand, at the close of the meeting several Councillors thanked the Presiding Officer for having conducted the election smoothly and according to law When the Presiding - Officer counted the votes secured by each candidate

for Presidentship and declared the respondent duly elected as President, no Councillor raised any objection to the effect that the Presiding officer had no power to do so And in fact the third petitioner congratulated the respondent upon his success in the election

2) At the time of the election neither the petitioners nor any other Councillors made any complaint to the Presiding Officer about the alleged violation of the secrecy of the Ballot or about the sitting of Mr K R Madhava Rao and other Congress leaders on the parapet wall of the Corridor or about any impediment to a free and secret voting

3) The members of the Mysore Congress particularly Committee and the members of the Bangalore City Municipal Congress party are not my agents I was nominated as a candidate for election to the office of President by more than two non-official councillors according to the Election Rules and my nomination was duly accepted and notified I have not done anything to violate the secrecy of the Ballot, nor have I violated any provision of law relating to the secrecy of the Ballot From my personal - knowledge and from the inquiries made by me, I submit that neither the members of the Congress Parliamentary Committee nor the members of the Bangalore City Municipal Congress Party have violated the secrecy of the ballot or any provision of law relating thereto. No instructions had been issued to any or all of the Congress Councillors to show their ballot papers after marking through the window of the ballot room to Mr K R Madhava Rao Neither Mr K

K R Madhava Rao nor any other Congress Leader had taken his station on or near the Parapet wall of the Corridor and adjacent to the window of the ballot room No directions had been given to the members of the Municipal Congress party and no threats of action had been held out to them in the event of non-compliance with any such directions And the Parliamentary Committee had not made any promise to Mr A K Jayamuthu Raju to the effect that the Congress Councillors would vote for him only in the event of his showing the ballot paper duly marked through the window of the ballot room and of satisfying the Secretary of the Committee that he had voted for the Congress Candidate for the office of President

4) Mr. A K. Jayamuthu Raju is a member of the Mysore Congress and is elected to the Legislative Council on the Congress ticket After the Government nominated him to the Municipal Council to represent the interests of the Harijan Community, he applied voluntarily to the Preliminary Committee for permission to accept the nomination The committee permitted him to accept the nomination and also to be enrolled as a member of the Bangalore City Municipal

Congress party he was chosen as a party candidate for the office of Vice President in order to give encouragement to the Harijan community, just in the same way as he was chosen as a Congress party candidate for the election to the office of Deputy President of the Legislative Council It is not true that he was selected as party candidate with any corrupt object of securing his vote in the Presidential election Irrespective of the fact whether he was chosen as a candidate for Vice Presidentship, Mr A.K Jayamuthu Raju was bound to abide by the party whip so long as he continued to be a member of the Congress Party

5) I find that it is practically impossible to show any ballot paper through the window of the - ballot room I understand that neither A.K Jaya Muthu Raju nor any otherCongress Councillor showed his ballot paper through the said window and that none of the members of the Preliamentry Committee ~~xxxxx~~ was on or near the parapet wall of the Dorridor adjacent to the Ballot room Messrs K R Ramaiva Rao and N C Thimma Reddy were sitting in the Municipal Councillors room at the time of the Presidential election Mr K Siddiah came to the Municipal Office only after the election of the president was over At the time of the Presidential Election Mr A K Jayamuthu Raju did not make any complaint to the Presiding Officer about any direction to violate the secrecy of the ballot or about any threat of withdrawal of support to his candidacy for Vice Presidentship On inquiry, I understand that there is no truth in the allegations contained in his statement ~~xxxx~~ published in Tamil Nadu of 20th January 1944, or in his statement at the meeting of the Municipal Council after the close of the election of the Vice President

6) Just before the election to the office of President began, the third petitioner requested the Presiding officer to get the corridor near the - ballot room cleared of all visitors accordingly the Corridor near the ballot room was cleared and the District Superintendent of Police, The Municipal Land Acquisition officer and the Personal Assistant to the Municipal Commissioner were posted near the Ballot room, so as to prevent any visitor ~~voter~~ or unauthorised person from going near the ballot room

on either side.

7) I understand that Mr. A.L. Jagannatha Raju has issued his statement to the "Tamil Nadu" at the instance of the petitioners and that the third petitioner got it published in the Tamil Nadu with the object of making it a ground for filing this petition against me.

8) In this case 94 of 1943 - 44, Sharma and Mr. A.T. Sharma and Mr. A.Gopalaswamy Iyengar, on the file of the - District Judge, Bangalore, an election petition was been filed against me and Mr. A.T. Sharma disputing the validity of our election as Municipal Councillors, and the second petitioner herein is the Principal counsel for the petitioner in that case In the said case an application was made on 12th January 1944 for the grant of a temporary injunction restraining the President of the Bangalore City Municipal Council from holding the Meeting of the Council for the election of the president on 19/1/1944, the Municipal Commissioner from accepting the nomination of the respondent herein and also the respondent herein from standing as a candidate for the Presidential election The Second petitioner herein has appeared and pleaded for the petitioner in the said petition for temporary injunction against the Municipal Council and against me Though the relief asked for purports to be one against the Municipal President and the Commissioner, it is really a relief against the Municipal Council By his accepting an employment as a legal practitioner against the Municipal Council the second petitioner has ceased to be a Municipal Councillor on and from 14/1/1941, and the present petition which is, therefore, signed by less than three councillors is not maintainable.

9) I have reason to believe that the petitioners and the other supporters of the candidacy of the third petitioner have committed corrupt practice by trying to tamper with the ~~xxxx~~ loyalty of the members of the Bangalore City Municipal Congress party

10) I believe that the petition is not bonafide and that it has been made with the improper motive of finding out how the Councillors have voted in the Presidential election

11) The petitioners have not disclosed any valid and tenable grounds either for setting aside the election or for a recount and scrutiny

12) The ~~petitionxx~~ is therefore liable to be dismissed

Bangalore City,
17 / 2 / 1944

K A Gopaleswamy Aiyangar
Respondent

Sworn to before
me
B S Ramakrishnayya
Additional Subordinate Judge
Bangalore
17th February 1944

BEFORE THE GOVERNMENT OF MYSORE AT BANGALORE

L.G.S. Petition of 1943 - 44

Petitioners --		Respondent --
1) K I Laganna 2) L S Raju 3) C N Narasinga Rao	vs --	M A Gopalaswamy Iyengar

Respondent's Objections

I, The respondent begs to file the following statement of objections --

1) The allegations in paragraphs 1, 2 and 3 of the petition are true

2) The calender of events for the election of President and Vice President has been published according to law The date fixed for the receipt of nomination papers is also according to law The allegation in paragraph 5(a), therefore, is not correct

3) The allegations in paragraphs 5(b) and 5(c) are not correct The election has been conducted according to law and the Presiding Officer has fully complied with the directions contained in the Election Rules The rules relating to the election of the president and the Vice President were fully explained to the Council by the Presiding Officer both in English and Kannada The directions contained in Rule 5(b) of the Rules regulating the election of the President and Vice President of a City Municipal Council are not mandatory The Presiding Officer has complied with the directions contained therein at the time of the

election none of the petitioners made any complaint in regard to these matters to the Presiding Officer Even if there is any noncompliance with the said rules, it is not of such a character as to affect materially the result of the election or to render the election void

4) The allegation in paragraph 5(d) of the petition is untenable The declaration made by the Presiding officer that the respondent is declared elected as President is according to the Election Rules, and it is also neither irregular nor illegal Under the Election Rules, the power of approval of the election only vests in the Government, and the power of declaring the result of the election in the Presiding officer

5) The Election Rules do not lay down that voting shall be by secret ballot The members of the Mysore Congress Parliamentary Committee and the members of the Bangalore City Municipal Congress Party are not the agents of the respondent The respondent was nominated to the office of the President of the Bangalore City Municipal Council not by any mandate of the Mysore Congress Parliamentary Committee, but by more than two nonofficial Municipal Councillors It is not true that the respondent, the members of the Mysore Congress Parliamentary Committee and the members of the Bangalore City Municipal Congress Party have completely violated the secrecy of the ballot

6) The allegations in paragraph 8 of the petition are not true Neither the Congress Parliamentary Committee nor the Municipal Congress Party had issued any such instructions to any or all of the Congress Municipal Councillors as alleged in the said paragraph

paragraph It is also not true that Mr.K Lachava Rao and one or two other Congress Leaders had taken their station on or near the parapet wall of the Corridor and adjacent to the window of the Ballot room

7) The allegations in paragraph 9 of the petition are also not true No directions had been given and no threats of action had been held out in the event of non-compliance with the alleged directions There is no truth in the allegation that the Congress Councillors would vote for Mr A K.Jaya Muthu Raju only in the event of his showing the ballot paper and satisfying the secretary of the Congress Parliamentary Committee that he had voted for the respondent

8) It is not true, as alleged in paragraph 10 of the petition, that Mr A.K Jaya Muthu Raju's vote for the respondent had been secured by any distinct promise and inducement held out to him by the Parliamentry Committee of the office of Vice President and that the Parliamentary Committee would withdraw their support if he did not vote for the respondent Mr A K.Jaya Muthu Raju is a member of the Mysore Congress and is elected to the Mysore Legislative Council on the Congress ticket He voluntarily applied to the Congress Parliamentry Committee for permission to accept nomination to the Municipal Council e permission was granted and he was also enrolled as a member of the Municipal Congress Party He was chosen as a party - Candidate for Vice Presidentship not because the party wanted to secure his vote in the Presidential election but solely because the Congress wanted thereby to give encouragement to the Harijan Community to which he belongs

9) Mr. A L Jayamuthu Raju's statement in the Council and to the Press is an after-thought and a concoction with a view to discredit the Mysore Congress Parliamentary Committee and the Bangalore City Municipal Congress Party

10) Neither Mr A L.Jayamuthu Raju nor any other Congress councillor, had shown his ballot paper - through the window as alleged in the petition It is impossible to show any ballot paper through the window of the ballot room None of the members of the Parliamentary Committee was on or near the parapet wall of the Corridor Messrs K R Madhava Rao and K C Thimma Reddy were sitting in the Municipal Councillors' room at the time of the Election of the President Mr. H Siddiah came to the Municipal office only after the election of the president was over. The absence of any complaint to the Presiding officer on the part of Mr A L Jayamuthu Raju shows the falsity of the allegations made by him Mr A L Jayamuthu Raju's statement is self-contradictory in as much as he has not chosen to explain why the Parliamentary Committee suddenly decided to withdraw the support of the Municipal Congress Party to his candidacy for the Vice-Presidentship if he had acted according to their instructions as alleged by him

11) Just before the commencement of the election to the office of President at the meeting of the Municipal Council held on 19th January 1944, the third petitioner requested the Presiding officer to see that no person was allowed to stand in the corridor near the Ballot room Accordingly the Corridor near

near the Ballot room was cleared and the District Superintendent of Police, the Municipal Land acquisition officer and the Personal Assistant to the - Municipal Commissioner were posted near the Ballot room In fact no visitor was allowed to go near the ballot room on either side

12) The respondent understands that Mr A K Jaya Muthu Raju has issued the statement to the Tamil Nadu under the influence of the petitioners His statement was got published in the Tamil Nadu by the third petitioner with the object of making it a ground for filing the election petition The allegations contained in his statement to the Press are not true

13) It is not true that Mr A K Jaya Muthu Raju's vote has been secured by illegal inducement and undue influence and that it has been corruptly and illegally caused

14) There is no truth in the allegations that there has been no free and secret voting and that the votes for the respondent have been secured by corrupt and illegal practice There is further no provision of law which prohibits open voting or which renders an open vote invalid

15) The petition does not disclose any tenable or valid ground for setting aside the election or for a scrutiny and recount The objection of the petition appears to be to find out how each councillor has voted at the election of the President and/or Even if there is any violation of the secrecy of the ballot or any inducement or influence, it would not affect materially the result of the election and/or

16) The petition is not maintainable, as the second petitioner has ceased to be a Municipal Councillor under

under section 12 of the Mysore City Municipalities Act. In this case 94 of 1943 - 44 on the file of the Additional District Judge, Bangalore, the second petitioner has acted as counsel for the petitioner in that case who had made a petition asking for a temporary injunction restraining the President of the Bangalore City Municipal Council from holding the meeting of the Municipal Council for the election of the President on 19/1/1944 though the relief has been asked against the President, it is really a relief against the Municipal Council

17) The respondent has reason to believe that the petitioners and the other supporters of the candidacy of the third petitioner have committed corrupt practice by trying to tamper with the loyalty of the members of the Bangalore City Municipal Congress party

18) The respondent does not admit all other allegations in the petition which have not been specifically dealt with in this statement

19) The respondent prays that the Government be pleased to dismiss the petition.

20) An affidavit in support of the statement is annexed hereto

Bangalore City,
17/2/1944

M-H Gopalaswamy Iyengar
Respondent

I, the respondent abovenamed solemnly declare that what is stated in paragraphs 1 to 20 above is true to the best of my knowledge, belief and information

Bangalore City,
17/2/44

M-H Gopalaswamy Iyengar
Respondent

No L8766-7

Papers

Proceedings of the

ML 4-2-43-64 Municipal Council of the Kuburaya

of Mysore

Read —

Letter No C1 C 1867/43

dated the 20th January

1944 from the Municipal

Council, Bhowanipur submitting

for the approval of Govt

confirmation of the

election of Mr. N. a

Gopal Aswami Ayengar

as the President of the

Bangalore Municipal Council &

Mr S. Ghouse Mohyuddin

as the Vice President of

the said Municipal Council

2 Petition dated the

25th January 1944 from

Messrs K N. Nagamma,

K S Raja and C N

Narasimha Rao raising

Issued 24-2-44

Signed by Mr EKR

Certain objections, under rule
7 of the rules regulating the
election of Presidents and Members
of Committees, to the validity
of the election of Mr. N. A
Gopalaswami Ayyangar as
the President of the Municipality
held on 19.1.1944.

Order No:—

In connection with the allegations
of undue influence & violation of
the secrecy of ballot made in the
above petition, the parties
were heard on the 17th February 1944.

On a consideration of the allegations made and the
evidence adduced the result of the
voting was announced, by Mr. Jagannatha Raja,
the Returning Officer & the Parliamentary Committee of the Congress,
and the admission made by the Respondent
Mr. On a Gopalaswami Ayyangar, in person
satisfied that the election in question was
tainted by corrupt practices amounting

× to bribery and undue influence

on a consideration of the statements given to the press after the election by the general election Agent and the parliamentary Secretary to the Treasury, and also the statements made in person by the parties, South Africa Satisfied that the election in question was vitiated by corrupt practices amounting and evidence of the secrecy of the ballot they are accordingly pleased to declare, that under the provisions of section 84 of the electoral Act 1902 the election of the ~~Hon. Joseph Cook~~ as the President of the Australian Natives Association was void, and that a fresh election should be held for the office of the President

accordingly to the present rules

Ans 21-2 a 7

Legal Dept
Lawdell

To
Mr D--c Blackett
Mr Lewis Blackett

Appendix F G —1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 24/2

Signed by Mr G N Rao

List of enclosures

Codied by 24/2 (12)

Examined by

I regret

Section ML

File No 42-43

Serial No 65

No Confdl L 8774

To 5(c) +

Under rules 9 of the Rules relating to the election of Presidents & Vice Presidents of the city and cls issued with notification No L 39 and 56-24-14 dy 28-11-1924 as amended from time to time, Govt are pleased to approve of the election of Mr S Ghouse Mohiuddin as Vice Pdt of the Bangalore city Municipal Council

By order etc

for Secy to Govt
Law Deptt
24/2

WD 04161—GPB—60 000—24 10 41

To The Comptroller, Mysore

Gazette for publication in
Part III - 1 of the Gazette, with
a request that 10 spare copies each
may be sent to the Secty & 10 copies to
the Secl Comm may be sent
Memo no L8775 dy 24/2
Copy of the above is forwarded
with Compliments to the Secl Comm
Bricy, with reference to the
Correspondence ending with
his letter no C/C. 167/43 dy 20 1 43
(2) Comptroller for information L8775 of 24/

Pay order

for Secy to Govt

WB. 24/2 Law Deptt

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L8774 — General and Revenue Secretariat
— Gril 42-43-65 Dated, Bangalore 24 February 194

NOTIFICATION

Under rule 9 of the Rules relating to the election of Presidents and Vice Presidents of the City Municipal Councils issued with Notification No.L. 3967/Ml., 36-24-14, dated 26th November 1924 as amended from time to time, Government are pleased to approve of the election of Mr. S. Ghouse Mohiyuddin as Vice President of the Mangalore City Municipal Council.

By Order,

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part III-B 1 of the Gazette, with a request that 10 spare copies each to the Secretariat and to the Municipal Commissioner may be sent.